

**Joseph E. Kellerman, OSB Bar No. 92199**  
jek@roguelaw.com  
Hornecker, Cowling, Hassen & Heysell, LLP  
717 Murphy Road  
Medford, OR 97504  
(541)779-8900  
Fax: (541) 773-2635  
Of Attorneys for Plaintiff

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**Robert E. Bluth, OSB No. 90211**  
bbluth@harryanddavid.com  
Harry & David Operations Corp  
P.O. Box 2500  
Medford, OR 97501  
Telephone: 541-864-2525  
Fax: 541-864-2885

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

HARRY AND DAVID, an Oregon  
corporation,

Plaintiff.

vs.

MCDONNELL HORTICULTURE, INC. a  
North Carolina corporation and PATRICK J.  
MCDONNELL, and individual,

Defendants.

Case No. CV 06-3088-CL

**ORDER ON STIPULATED  
MOTION FOR DISMISSAL OF  
ALL CLAIMS SUBJECT TO RE-  
OPENING OF CASE**

This matter came before the Court upon the stipulated motion of the parties. The parties have settled their disputes and have asked the Court to enter dismissal of all the claims of the parties against each other with the caveat that the case may be re-opened for purposes of registering confession of judgment should Defendants default in their obligations under the terms

of the settlement agreement between the parties, and the Court being otherwise fully advised in the premises;

NOW THEREFORE, all the parties' claims against each other are hereby dismissed and the case is closed subject to re-opening for the purposes of Plaintiff filing a confession of judgment and enforcement thereof should Defendants or either of them default on their obligations pursuant to terms of settlement agreement between the parties.

DATED this 21 day of May, 2008.

  
UNITED STATES DISTRICT COURT JUDGE